

Management Council Policy 02-02

Subject: **Anti-Discrimination and Sexual Harassment**

(Source Notes: MC Minutes 10/08/2002)

ANTI-DISCRIMINATION POLICY

I. Statement of Policy

The State of Wyoming legislative branch strongly disapproves of and does not tolerate discrimination as defined in this policy. Any form of discrimination or harassment that violates applicable federal and state law, including, but not limited to, discrimination or harassment related to an individual's race, religion, color, sex, national origin, age or disability is a violation of this policy. All reported or suspected occurrences of discrimination or harassment shall be promptly and thoroughly investigated. If discrimination or harassment has occurred in violation of this policy, appropriate corrective action shall be taken. This policy is applicable to all employees, officials, appointees, and elected officials of the Legislative branch of Wyoming State government.

II. Prohibited Conduct

This anti-discrimination policy prohibits the following conduct:

A. Prohibited Conduct - Sexual Harassment:

1. Definition: Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or gender-based nature when:

(a) Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; or

(b) Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

B. Prohibited Conduct - Ethnic slurs, racial and religious jokes or derogatory comments based on an individual's race, religion or ethnic background and any other verbal or physical conduct relating to an individual's race, religion, sex, national origin, age or disability.

C. Prohibited Conduct - Failure to provide reasonable accommodation to an employee who is a qualified disabled person as set out in W.S. 27-9-105.

D. Prohibited Conduct - Basing decisions affecting an individual's employment or any term or condition of the individual's employment on the individual's race, color, national origin, creed, sex, age or because the person is a qualified disabled person.

E. Prohibited Conduct - Any other conduct that violates applicable anti-discrimination law.

F. Prohibited Conduct - Retaliation. This policy prohibits retaliation against any employee who has filed a charge, testified, assisted or participated in any manner in an investigation under this policy.

III. Complaint Procedures

A. Any employee of the legislative branch of state government who believes he has been discriminated against or harassed by anyone, including a supervisor, co-worker, visitor, or legislator, in violation of this policy, should report the conduct immediately. An employee may report the conduct to the employee's immediate supervisor or any other supervisor in the employee's chain of command.

B. Before or in addition to reporting the discrimination or harassment, an employee may, if he or she desires, notify the alleged harasser of the unwelcome conduct and request that the conduct stop immediately.

C. Any supervisor receiving a report of or suspecting harassment or discrimination against an employee of the Legislature shall immediately report the conduct to the Director of the Legislative Service Office, or to the Chief Clerk of the House or Senate as applicable if the complainant is a member of the Session Staff.

IV. Investigations

A. All complaints of discrimination or harassment prohibited by this policy shall be investigated as soon as possible after the conduct is reported or suspected.

B. The complaint shall be investigated by the Director of the Legislative Service office if the complainant is a member of the LSO staff, or by the Chief Clerk of the House or Senate as applicable if the complainant is a member of the Session Staff. If the complaint involves the alleged actions of an elected member of the House or Senate, one or more members of the House or Senate as applicable may be designated by the presiding officer to participate in the investigation.

C. The employee alleging, the employee or person accused of, and any employee witnessing harassment or discrimination shall cooperate in the investigation of the alleged harassment or discrimination.

D. To the extent practicable, all complaints of harassment or discrimination shall remain confidential. It may be necessary, however, to disclose the nature or origin of the complaint to investigate it properly or to take corrective action.

V. Corrective Action

If it is determined that discrimination or harassment prohibited by this policy has occurred, action shall be taken immediately to reasonably ensure that the discrimination or harassment is stopped and does not reoccur.

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